UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HILTI AKTIENGESELLSCHAFT

Petitioner,

v.

SPECIFIED TECHNOLOGIES INC.,

Patent Owner.

Case No. IPR2024-00193

U.S. Patent No. 10,143,868

DECLARATION OF SEBASTIAN SIMON

I, Sebastian Simon, declare as follows:

1. I am employed by Petitioner Hilti Entwicklungsgesellschaft mbH ("HEG"), which is an affiliate of Petitioner Hilti Aktiengesellschaft ("Hilti"). My job title is Research & Development Expert Firestop and Fireprotection Systems. I have been employed by HEG since January 2007. Before working with HILTI, I gathered experience in the field of Firestop and Fireprotection, working for Fraunhofer Research WKI, where I did my phD on fireretardant coatings.

2. I have reviewed what I understand will be filed as Exhibit 1006, which is a 3M Publication relating to 3M Fire Barrier Pass-Through Devices. I understand that Hilti's counsel retrieved the attached document from the WayBack Machine on November 9, 2023, and that the Way Back Machine archived this document on November 23, 2015.

3. In my experience, this type of document is published by companies such as 3M and Hilti to attract interest in the products disclosed in the publication. Given that, it is my view that Ex. 1006 would have been widely distributed within the firestopping industry prior to June 8, 2016. This is consistent with the copyright date of 2013 listed on the bottom of page 2. Because I believe Exhibit 1006 would have been widely distributed, I expect that a person of ordinary skill in the art would have been able to locate Exhibit 1006 with the exercise of reasonable diligence prior

to June 8, 2016. Again, the very purpose of a document such as Exhibit 1006 would be to distribute to the industry to gain interest in commercial offerings.

4. I understand that Hilti has defined a person of ordinary skill in the art as someone who would have had at least a bachelor's degree in mechanical engineering, civil engineering, fire protection engineering, applied science or a related field, with three to five years' experience in building construction, fire safety, or the firestopping field. Additional graduate education could substitute for professional experience, or significant experience in the field could substitute for formal education.

I hereby declare that all statements made are of my own knowledge, are true, and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this proceeding.

Dated: Nov 14 2022

By: 

Dr. Sebastian Simon